Board of Zoning Appeals Variance Application

(To be completed by	City Clerk or Zoning Staff)	
City of La Crosse, Wi	sconsin	•
Application No.: 2 Date Filed: to Application Complete (To be completed by	Yes No Reviewed	Filing Fee: #300.00 Date Paid: 10 20 2020 By (Initial) Sy E.Y (0/15/2c
Building Permit Appli Inspection Departmen	By 5:00 PM the first Wednesday of every more cation Deadline: 10 Calendar Days prior to at to provide review. Any building permit subning Appeals meeting.	first Wednesday of every month for the mitted after deadline must wait until the
	Owner / Agent	Contractor
Name	School District of La Crosse	
Address	c/o Building and Grounds 807 E Ave South	
Phone	(608)789-7627	
Tax Parcel Number: Lot Dimensions and A	17-30008-10 (1111 7th St. S	City of La Crosse, Wis. La Crosse 9,400 sq. ft.
variances. The Board compromise ordinance state laws and the lo	ation of a standard in a land use ordinance. d is a quasi-judicial body because it function e provisions for a property owner's convenier cal ordinance to a specific fact situation. V linance imposes a unique and substantial bu	s like a court. The Board's job is not to nce but to apply legal criteria provided in ariances are meant to be an infrequent

At the time of application, you will be asked to:

- Complete an application form and timely submit it with a non-refundable fee as required in La Crosse Municipal Code § 115-60; Failure to complete any section of the application form will result in rejection of the application. If additional space is needed, please attach additional pages.
- Provide detailed plans describing your lot and project (location, dimensions, and materials);
- **Provide a written statement** of verifiable facts showing that your project meets the legal criteria for a variance (Three-Step Test below); and
- Stake out lot corners or lines, the proposed building footprint and all other features of your property related to your request so that the Zoning Board and/or City staff may inspect the site.

Following these steps, the Inspection Department must approve the application as to form and completeness and then the application and fee must be submitted to the City Clerk. The zoning agency will then provide notice of your request for a variance to the City of La Crosse's official newspaper noting the location and time of the required public hearing before the Zoning Board. Your neighbors and any affected state agency will also be notified. The burden will be on you as a property owner to provide information upon which the Board may base its decision. At the hearing, any party may appear in person or may be represented by an agent or attorney. If any of these requirements are not met or if you or your agent does not appear at the public hearing, the Board **must** deny your request for a variance and your fee will be forfeited.

Part A: General Information and Alternatives Analysis.

(To be completed by the applicant).

1. General Information.

Complete the questions in the general information section of the application to provide the necessary background information needed for the property at issue.

(a) Current use and improvements.

The 1959 school building at 1111 S 7th street is shared by students attending SOTA (School of Technology and Arts) and Hamilton Elementary. Both schools share the undersized and outdated facilities to serve their growing student populations. In addition, the school hosts a Boys and Girls Club after-school program in a windowless basement storage room. The building's last expansion occurred 35 years ago with a new library in 1984. This space has been divided into smaller classrooms, labs and offices as the administration works to fit the growing needs of the school in the limited space available.

(b) Proposed Use.

The proposed addition and renovation fills existing needs for more space and introduces new facilities that meet the demands of students, teachers and community members today. A relocated library (now called LMC, or learning media commons) and new classroom space opens up room in the old building for redesigned classrooms that meet modern educational standards. A gymnasium with single full-size basketball court, bathroom facilities for students and visitors and a new community room expand the schools ability to serve the community - including relocating the Boys and Girls club from the basement.

(c) Description and date of any prior petition for variance, appeal, or special exception.

n/a

(d) Description and location of all nonconforming structures and uses on the property.

The design submitted builds out to the property line with minimal setback on the east and north perimeter.

East- The single full-sized basketball court (even with no bleachers and minimal clearances) combines with the required bathroom facilities and corridor width to fit neatly within the lot's property line.

North- The design continues the line of both the original 1959 building and the 1984 addition which built out to the sidewalk (with a minimal setback)

(e) Ordinance standard from which variance is being sought (include code citation).

(Code 1980, § 15.17; Ord. No. 4887, § 1, 9-10-2015) -

(c)Area-regulations. Except-as-otherwise-provided-in-subsection-(e)-of-this-section, all new buildings or additions to existing buildings shall be set-back-at-least-ten-feet from all-public rights-of-way-plus-one-additional-feet-for-each-five-feet-of-building-freight exceeding 35 feet.

115-157 (d) Vision Clearance

(f) Describe the variance requested.

Variance is requested to eliminate setback requirement - to continue line of existing building as built with minimal setback from the property line.

(g) Specify the reason for the request.

Required clearances for accessible toilet facilities and standards for corridor and basketball court widths combine to overall building dimensions that fit just within the property line (west to east.) This follows the existing setback demonstrated by the 1959 and 1984 building on the same parcel. The set size and proportion of the gymnasium limited possible plan layouts for the addition. Earlier conversation with the City of La Crosse centered on potential opportunities to vacate the public right-of-way (Johnson St) and shift the building 30'-0" to the north in order to maximize the site's use. It was determined that any building plan outside of the property line would not be possible. The current plan as shown, with minimal setback, was discussed as a viable alternative.

(h) Describe the effects on the **property** if the variance is not granted.

The required primary uses for the educational building (gymnasium with single basketball court and associated toilet facilities) would not otherwise fit on the parcel without the variance granted.

Rev. 05082015 Page 4 of 11

2. Alternatives.

Describe alternatives to your proposal such as other locations, designs, and construction techniques. Attach a site map showing alternatives you considered in each category below.

Alternatives you considered that comply with existing standards. If you find such an
alternative, you can move forward with this option with a regular permit. If you reject compliant
alternatives, provide the reasons why you rejected them.

The gymnasium is the largest component of the required program for this building addition. All possible locations and their impact on the existing school, as well as neighboring properties and traffic flow were considered. Initial conversations with the City of La Crosse centered on vacating the right of way (Johnson St) to shift the project 30'-0" north and maximize the utility of the site. Those plans were abandoned in favor of the current plan layout - which shows the gym and associated facilities fitting tight in the available space. Alternative locations (other than above) were not feasible, for reasons of site access, adjacencies and building code.

 Alternatives you considered that require a lesser variance. If you reject such alternatives, provide the reasons why you rejected them.

The current plan is an alternative to earlier discussed plans for vacating the right of way and shifting the project north (30'-0".) All other site plans were not feasible due to concerns about site access, adjacency to existing facilities and resultant use of the playground/outdoor space (another essential component of the elementary school curriculum.) The available space on the urban site prevented alternative site plans.

Part B: Three-Step Test.

To qualify for a variance, applicants must demonstrate that their property meets the following three requirements:

1. Unique Property Limitation. (To be completed by the applicant).

Unique physical characteristics of the property such as steep slopes or wetlands that are not generally shared by other properties must prevent compliance with ordinance requirements. The circumstances or desires of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances. Nearby ordinance violations, prior variances, or lack of objections from neighbors do not provide a basis for granting a variance. Property limitations that prevent ordinance compliance and are common to a number of properties should be addressed by amending the ordinance.

You will be asked whether there exist any unique physical characteristics to your property that prevent compliance with the ordinance. You will be asked to show where these unique physical characteristics are located on your property by showing the boundaries of these features on a site map. If there is not a unique property limitation, a variance cannot be granted.

Rev. 05082015 Page 5 of 11

Do unique physical characteristics of your property prevent compliance with the ordinance?

Yes. Where are they located on your property? In addition, please show the boundaries of these features on the site map that you used to describe alternatives you considered.

The setbacks required for public and semi-public zoning are seen primarily in parcels with park or recreational uses (eg. Poage Park and South Side Neighborhood Center) or large institutional uses (Gunderson Lutheran Medical Center and Viterbo University.) 111 S 7th St is unique for its educational building use on its smaller urban lot.

No. A variance cannot be granted.

2. No Harm to Public Interest.

A variance may not be granted which results in harm to public interests or undermines the purpose(s) of the ordinance. In applying this test, the Zoning Board must consider the impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community, and the general public. These interests may be listed as objectives in the purpose statement of an ordinance and may include:

- Public health, safety, and welfare
- Water quality
- Fish and wildlife habitat
- Natural scenic beauty
- Minimization of property damages
- Provision of efficient public facilities and utilities
- Achievement of eventual compliance for nonconforming uses, structures, and lots
- Any other public interest issue

(a) Ordinance Purpose. (To be completed by zoning staff).

The Zoning Board must consider the purpose and intent of zoning codes when considering a variance request. As promulgated by the City of La Crosse Common Council, the purpose and intent of the La Crosse Zoning Code include, but is not limited to, the following:

§ 8-86	§ 101-58	§ 109-6
§ 115-3	§ 115-140	§ 115-141
§ 115-148	§ 115-156	§ 115-158
§ 115-211	§ 115-319	§ 115-437
§ 115-510	§ 115-548	§ 115-594

The failure of any particular city official to identify additional purpose and intent information on the application does not preclude the city official from raising the issue at the public hearing on the requested variance.

Page 6 of 11

(b) Purpose(s) of Standard from which Variance is Requested. (To be completed by zoning staff).

The City of La Crosse Building Inspector, Code Enforcement Officer and any other officials may be aware of other reasons a particular ordinance standard is required. The city official(s) may list those reasons on this application. The failure of any particular city official to identify additional purpose information on this application does not preclude the city official from raising the issue at the public hearing on the requested variance.

(c) Analysis of Impacts. (To be completed by applicant).

Rev 05082015

Discuss impacts (e.g. increased runoff, eroding shoreline, etc.) that would result if the variance were granted. For each impact, describe potential mitigation measures and the extent to which they reduce the impacts (i.e. completely, somewhat, or marginally). Mitigation measures must address each impact with reasonable assurance that it will be reduced to an insignificant level in the short term, long term, and cumulatively.

Short-term impacts are those that occur through the completion of construction. Long-term impacts are those that occur after construction is completed. Cumulative impacts are those that would occur if a similar variance requested were granted for many properties. After completing the impact analysis, you will be asked to give your opinion whether granting the variance will harm the public interest.

(1) **Short-term Impacts** (through the completion of construction):

Impact: n/a

Mitigation measure(s):

Extent to which mitigation reduces project impact:

Construction method and schedule will not be impacted. Project is unique due to its building use and site constraints.

Impact: n/a

Mitigation measure(s):

Extent to which mitigation reduces project impact:

Construction method and schedule will not be impacted. Project is unique due to its building use and site constraints.

Ray. 05082015 Page 7 of 11

(2) Long-term Impacts (after construction is completed):

Impact: n/a

Mitigation measure(s):

Extent to which mitigation reduces project impact:

Construction method and schedule will not be impacted. Project is unique due to its building use and site constraints.

Impact: n/a

Mitigation measure(s):

Extent to which mitigation reduces project impact:

Construction method and schedule will not be impacted. Project is unique due to its building use and site constraints.

- (3) **Cumulative Impacts** (what would happen if a similar variance request was granted for many properties?):
 - Impact: n/a

Mitigation measure(s):

Extent to which mitigation reduces project impact:

Construction method and schedule will not be impacted. Project is unique due to its building use and site constraints,

Impact: n/a

Mitigation measure(s):

Extent to which mitigation reduces project impact:

Construction method and schedule will not be impacted. Project is unique due to its building use and site constraints.

Rev. 05082015 Page 8 of 11

Will granting the variance harm the public interest?

	Yes. A variance cannot be granted.
x	No. Mitigation measures described above will be implemented to protect the public interest.

3. Unnecessary Hardship. (To be completed by the applicant).

The unique property limitation must create the unnecessary hardship. An applicant may not claim unnecessary hardship because of conditions that are self-imposed or created by a prior owner (for example, excavating a pond on a vacant lot and then arguing that there is no suitable location for a home). Courts have determined that economic or financial hardship does not justify a variance. When determining whether unnecessary hardship exists, the property as a whole is considered rather than a portion of the parcel.

You will be asked whether you are requesting an area variance or a use variance and to detail whether there exists an unnecessary hardship.

An **area variance** is a relaxation of lot area, density, height, frontage, setback, or other dimensional criterion. Unnecessary hardship exists when compliance with the strict letter of the area restrictions would unreasonably prevent the owner from using the property for a permitted purpose (i.e. leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions unnecessarily burdensome. The Zoning Board must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term, and cumulative effects of the variance on the neighborhood, the community, and on the public interests. This standard reflects the Wisconsin Supreme Court decisions in *State v. Waushara County Bd. Of Adjustment*, 2004 WI 56; and *State ex rel. Ziervogel v. Washington County Bd. of Adjustment*, 2004 WI 23.

A use variance is a relaxation of the zoning regulation on how the property is fundamentally used. A use variance allows property to be utilized in a manner not permitted by zoning regulations (i.e. an appropriate adaptive re-use of a school or church in a residential district). Unnecessary hardship exists only if the property owners show that they would have no reasonable or viable use of the property without the variance. Though not specifically restricted by statute or case law, a use variance is very rare because of the drastic effects it has on the neighborhood, the community, and the public interests. The Zoning Board must consider whether the owner has no reasonable return if the property is only used for the purpose allowed in zoning regulation, whether the plight of the owner is due to unique circumstances and not merely general conditions in the neighborhood, and whether the use sought to be authorized will alter the nature of the locality. See generally State ex rel. Ziervogel v. Washington County Bd. of Adjustment, 2004 WI 23.

Are you	u applying for an area variance or a use variance?
×	Area variance
	Use variance
ls unne	ecessary hardship present?
x	Yes. Describe.
	Compliance with stated setbacks would prevent the owner from using the property for the permitted purpose of the educational building. The size, proportion and orientation of the single court basketball gymnasium along with required site access and outdoor play area determine the proposed building plan designed with minimal setbacks.
	No. A variance cannot be granted.
Part C:	Additional Materials / Exhibits.
	r for the zoning staff to conduct evaluations, the applicant's site map, with a scale of not less than and other exhibits must show the following:
	Location of requested variance Property lines Ordinary high-water mark Flood plain and wetland boundaries Dimensions, locations, and setbacks of existing and proposed structures Utilities, roadways, driveways, off-street parking areas, and easements Existing highway access restrictions and existing proposed street, side and rear yards Location and type of erosion control measures Vegetation removal proposed Contour lines (2 ft. interval) Well and sanitary system Location-and extent of filling/grading
	Any other construction related to your request Anticipated project start date Sign locations, dimensions, and other specifications Alternatives considered Location of unique property limitation Lot corners, lines, and footprints have been staked out Abutting street names and alleys Abutting property and land within 20 feet Indication of the direction "North"

Rev. 05082015 Page 10 of 11

Part D: Authorization to Examine

You **must complete and sign** the authorization for the City of La Crosse Board of Zoning Appeals and the Planning and Development Department to examine the property of the variance request.

I hereby authorize the City of La Crosse Board of Zoning and Appeals and the Planning and Development Department to inspect premises

At: 1111 S 7th St

(Address where variance is sought)

ate: 10/15/20 Signature of Owner:

Part E: Certification.

You **must sign your application**, certifying that it and any additional materials are accurate and do not contain any misrepresentations or omissions. An unsigned variance application will not be considered. You also must get the application notarized by a certified notary.

Submit completed application to:

Board of Zoning Appeals

400 La Crosse St. Clerks Office- 2nd Floor La Crosse, Wisconsin 54601

Submit complete copy to:

Chief Inspector

400 La Crosse St.

Building and Inspections Division, Fire Department

La Crosse, Wisconsin 54601

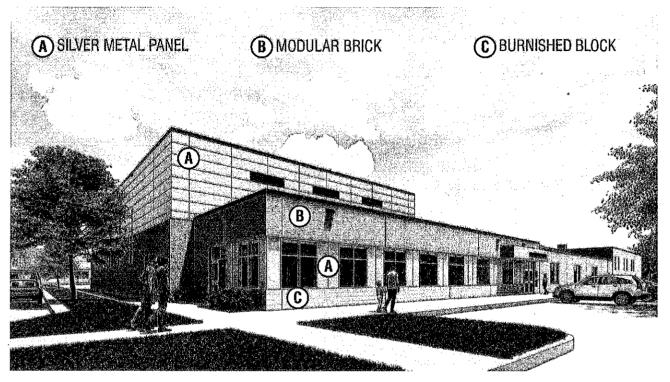
By signing below, I certify that I have received and reviewed all of the application materials. I further certify that all of my answers herein are true and accurate; I have not made any intentional misrepresentation or omission. I understand that if I intentionally misrepresented or omitted anything in this application that my application will be denied and any variance granted thereunder may be revoked.

Signed: (Applicant or Agent) Market	Jed	
Date: 10/15/20		
Signed: (Owner,if different from applicant)		
Date:		
THE APPLICANT OR AGENT	THE OWNER	
By: Marlon J. Ledvina		
STATE OF WISCONSIN)	STATE OF WISCONSIN)
COUNTY OF LA CROSSE)	COUNTY OF LA CROSSE)
Personally came before me this	Personally came before me this, 2015, the a known to be the person(s) who exect foregoing instrument and acknowledge	oove named to me uted the
Notary Public, La Crosse County, WI My commission expires: 3 2 4 2023.	Notary Public, La Crosse County, WI My commission expires:	

Maria San

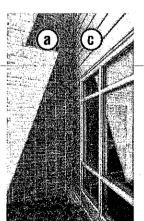
HAMILTON ELEMENTARY SCHOOL ADDITION & RENOVATION

EXTERIOR RENDERING & MATERIALS



NEW BUILDING





- a SILVER METAL PANEL
- **(h)** MODULAR BRICK
- © CAST STONE

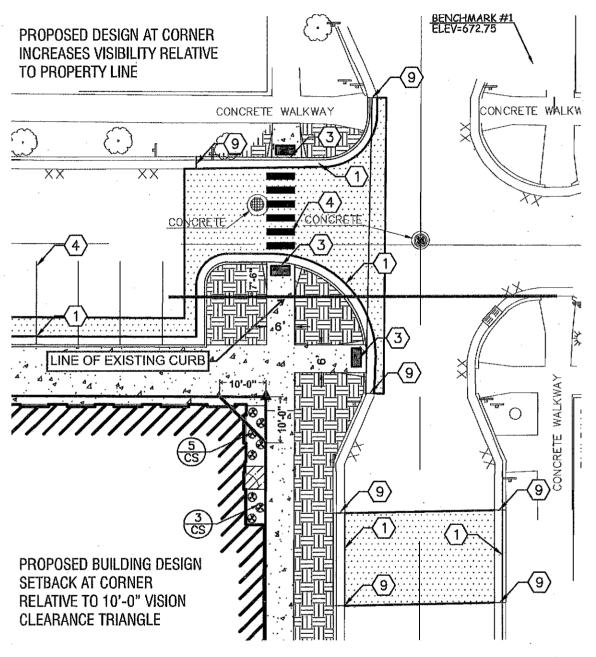
EXISTING BUILDING MATERIALS





HAMILTON ELEMENTARY SCHOOL ADDITION & RENOVATION

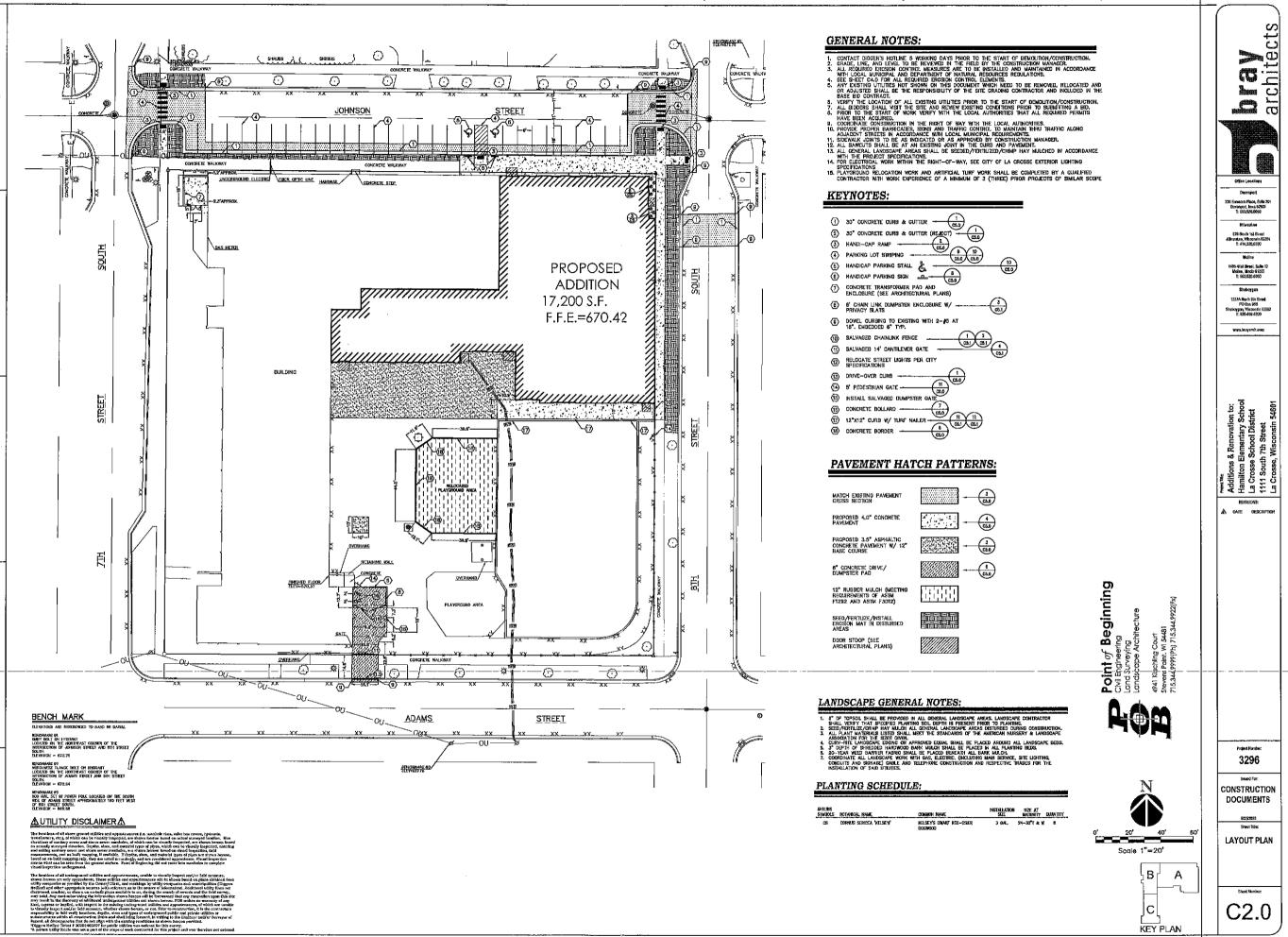
VISION CLEARANCE



CORNER OF JOHNSON & 8TH ST SCALE: 1" = 20'-0"







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